

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RLI INSURANCE COMPANY

Plaintiff

vs.

FIFTH THIRD BANCORP

Defendant

**FIFTH THIRD BANCORP, an Ohio
Corporation, and FIFTH THIRD BANK,
an Ohio Banking Corporation**

Plaintiff

vs.

**CERTAIN UNDERWRITERS AT
LLOYD'S SUBSCRIBING TO POLICY
B0509QA048710, B0509QA051310,
81906760, et al.**

Defendants

: Civil Action No. **1:14cv802**
:
: Judge: **Sandra S. Beckwith**
: Magistrate: **Stephanie K. Bowman**
:
:
:

: Civil Action No. **1:14cv869**
:
: Judge: **Sandra S. Beckwith**
: Magistrate: **Stephanie K. Bowman**
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**JOINT MOTION TO PARTIALLY MODIFY THE EXISTING CALENDAR ORDER
RELATING TO THE PRODUCTION OF EXPERT REPORTS**

Now come all parties by and through counsel and respectfully move this Honorable Court to partially modify the existing calendar order relating to the production of expert reports. A memorandum in support of said motion follows herein.

RESPECTFULLY SUBMITTED,

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MEMORANDUM

On September 22, 2016 this Court issued an order resetting the calendar for the above captioned cases. The Court ordered that expert reports be produced as follows:

- Plaintiffs RLI Insurance and Fifth Third Bancorp to Produce Expert Repots: October 31, 2016.
- Deadline for Production of Expert Reports of Defendants Certain Underwriters at Lloyd's Subscribing to Policy Nos. B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company, and Defendants Continental Insurance Company, Fidelity and Deposit Insurance Company, St. Paul/Mercury Insurance Company, Defendant Fifth Third and Counterclaim Defendant RLI Insurance Company: December 31, 2016.
- Deadline to Produce Rebuttal Expert Reports from all parties: January 31, 2017.

(Doc. 69, PAGEID #1004 in Case No. 1:14cv00802; and Doc. 76, PAGEID #1360).

On October 18, 2016 the parties participated in a mediation in New York City before the Honorable Randall Newsome. Although the case was not resolved at that time the parties have continue to explore settlement options. In order to facilitate that process, the parties request a partial modification of the existing scheduling order as it relates to the production of expert reports in the following manner:

- Plaintiffs RLI Insurance and Fifth Third Bancorp to produce Expert Reports by October 31, 2016, except for Expert Reports opining on the existence of a loss and if so, the quantum of that loss (hereinafter "Damage Expert Reports").
- Plaintiffs RLI Insurance and Fifth Third Bancorp to produce Damage Expert Reports by November 14, 2016.
- Deadline for Production of Expert Reports of Defendants Certain Underwriters at Lloyd's Subscribing to Policy Nos. B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company, and Defendants Continental Insurance Company, Fidelity and Deposit Insurance Company, St. Paul/Mercury Insurance Company, Defendant Fifth Third and Counterclaim Defendant RLI Insurance Company by December 31, 2016, except Damage Expert Reports.

- Deadline for Production of Expert Reports opining on the existence of a loss and if so, the quantum of that loss of Defendants Certain Underwriters at Lloyd's Subscribing to Policy Nos. B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company, and Defendants Continental Insurance Company, Fidelity and Deposit Insurance Company, St. Paul/Mercury Insurance Company, Defendant Fifth Third and Counterclaim Defendant RLI Insurance Company by January 16, 2017.
- Deadline to Produce Rebuttal Expert Reports, except for Rebuttal to Damage Expert Reports, from all parties by January 31, 2017.
- Deadline to Produce Rebuttal Expert Reports opining on the existence of a loss and if so, the quantum of that loss from all parties by February 14, 2017.

The parties represent that this partial modification will not have any effect on the current discovery or motion deadlines, nor the existing trial dates.

For the foregoing reasons, the parties request their motion be granted.

RESPECTFULLY SUBMITTED,

/S/ Mark J. Byrne

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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

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